

Application No. 10/596,463
Amdt. Dated: January 18, 2010
Reply to Office Action Dated: October 27, 2009

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed October 27, 2009. The status of the application is as follows:

- Claims 1-20 are pending, claims 1, 3, 6, 7, 10 and 11 have been rejected, claim 2 is objected to, claims 4-5 and 8-9 are allowed, claims 1-2, 4-8 and 10-11 have been amended; and claims 12-20 have been added;
- The specification is objected to;
- Claims 10-11 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- Claim 3 is rejected under 35 U.S.C. 112; and
- Claims 1, 6-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (US 5,943,387) in view of Raupach (US 6,600,801).

The objections and rejections are discussed below.

Claim Informalities

Claims 4-5 and 7-8 have been amended for informalities and the amendments do not address issues of patentability.

The Allowed Claims

The Examiner is thanked for indicating that claims 4-5 and 8-9 are allowed.

The Examiner is also thanked for indicating that claim 2 is allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant reserves the right to re-write claim 2 as indicated by the Examiner at a later time.

The Objection to the Specification

The specification is objected to because it does not contain an Abstract in accordance with 37 CFR 1.72(b), which states that an Abstract must commence on a separate sheet with no other parts of the application or other material. A replacement

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Abstract has been submitted herein in accordance with 37 C.F.R. 1.72(b), rendering this objection moot.

The specification is also objected to for missing section headings. However, section headings are merely permissible and not mandatory (See 37 CFR 1.77(b); MPEP 608.01(a)) and applicant does not wish to include them. As such, applicant respectfully has not amended the specification to include section headings and requests withdrawal of the objection.

The Rejection of Claims 10-11 under 35 U.S.C. 101

Claims 10-11 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 10-11 have been amended herein to overcome this rejection.

The Rejection of Claim 3 under 35 U.S.C. 112

Claim 3 has been rejected under 35 U.S.C. 112 as not particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention. More particularly, the Office asserts that the limitation “the look-up table” in claim 3, line 1 lacks antecedent basis. In light of the amendment to claim 1, this rejection is moot.

The Rejection of Claims 1, 6-7 and 10 under 35 U.S.C. 103(a)

Claims 1, 6-7 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. in view of Raupach. Independent **claim 1** has been amended herein to include aspects of claim 2 and is now directed to a method of processing polychromatic attenuation values wherein **a look-up table is used for assigning monochromatic attenuation values to polychromatic attenuation values**. Amended claim 1 recites limitations similar to those in allowed claims 4-5 and 8-9. Accordingly, it is believed that claim 1 is now in condition for allowance, and applicant respectfully requests withdrawal of this rejection and an indication of allowance of the subject claim.

Amended independent **claims 6 and 10** include claim aspects similar to those recited in claim 1. As such, the above discussion with respect to claim 1 applies *mutatis*

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mutandis to claims 6 and 10. Accordingly, the rejection of these claims should be withdrawn and claims 6 and 10 should be allowed.

Claim 7 depends from claim 6, and is allowable at least by virtue of this dependency.

New Claims 12-20

Newly added claims 12-20 emphasizes various aspects. No new matter has been added. The aspects in these claims are absent from the prior art. Entry and allowance of claims 12-20 is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

Michael J. Corrigan

Michael J. Corrigan, Reg. No. 42,440
Driggs, Hogg, Daugherty & Del Zoppo Co.,
L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Direct all correspondence to:
Philips Intellectual Property & Standards
Customer Number: 38107